IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 1940 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/11/2002 in WP NO : 11919 OF 1992 on the file of the High Court.)

Between:

1 The Spl. Deputy Collector, Land Acquisition, SLBC, Nalgonda.
2 The District Collector, Nalgonda District, Nalgonda.

..... APPELLANTS

AND

1 T. Shankar Rao, S/o. Venkat Rao,
R/o. Kompally Vill, Ilalia Mandal, Nalgonda District.
2 T. Ramana Rao, S/o. Shanakara Rao,
R/o. Kompally Vill, Ilalia Mandal, Nalgonda District.

.....RESPONDENTS

Counsel for the Appellants : GP FOR LAND ACQUISITION

Counsel for the Respondents: MR.L.PRABHAKAR REDDY

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

…..

1 . The only point urged in this appeal by the learned counsel for the appellants to assail the order of the learned single Judge is that awards under Section 11 of the Land Acquisition Act, 1894, were passed by the Land Acquisition Officer on 29.4.1983 and 27.2.1984 prior to coming into force of the Land Acquisition (Amendment) Act, 1984 (Act No.68 of 1984). Therefore, Section 28-A of Land Acquisition Act, as inserted by the Amendment Act in 1984, will not be applicable to such awards passed by the Land Acquisition Officer prior to coming into force of the Amendment Act of 1984. Amendment Act of 1984 came to be applicable on 24.09.1984.

2 . A bare reading of Section 28-A, as inserted by Amendment Act of 1984, refers to the award of the Court which is passed pursuant to reference made under Section 18 of the Act. Section 28-A applies as its application to any award passed by the Court and persons interested were even allowed to seek re-determination of the amount within a period of three moths from the date of coming into force of the Amendment Act. The Act makes no distinction as regards the award made by the Collector under Section 11 of the Act whether passed before or after the amendment. Even if the awards of the Collector were made prior to coming into force of the Amendment Act, that is not the governing criteria. Governing criteria is about the awards made by the Court pursuant to reference under Section 18 of the Act. There is no substance in the appeal. It is accordingly dismissed. No costs.

_____

DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 09.12.2004.

VRK.

To

1 The Spl. Deputy Collector, Land Acquisition, SLBC, Nalgonda.
2 The District Collector, Nalgonda District, Nalgonda.

3. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

-

W.A.NO. 1940 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 09.12.2004.

-